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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,443	05/01/2000	WEI CHEN	Q57774	1926

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SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037-3202

EXAMINER

KING, JUSTIN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/485,443

Applicant(s)

CHEN ET AL

Examiner

Justin I. King

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 2 is/are allowed.
- 6) ☒ Claim(s) 3-5 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3's last two limitations recite "repeating the connecting step *until all of said nodes are connected together*" and "separating the last connected node to assign to the node of the foremost priority among nodes in a next higher speed group than the separated last connected node when *no port remains in the node of the lowest priority to connect with the node of next priority during the repeating step...*". Examiner suggests to rewrite the last limitation as "if when no port remains in the node of the lowest priority to connect with the node of next priority during the repeating step, then ...".

Claims 4-5 are rejected because they incorporate the claim 3's limitations.

Allowable Subject Matter

3. Claims 1-2 are allowed.
4. Claims 3-5 are rejected under U.S.C. 112 2nd, but would be allowable if rewritten in proper form including all of the limitations presented originally.
5. The following is a statement of reasons for the indication of allowable subject matter:

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Referring to claim 1: The prior arts on record do not explicitly disclose or teach a priority scheme for connecting nodes on a serial bus (e.g. 1394) tree hierarchy based on number of the communication ports and the transmission speed/capacity of each node. The priority scheme provides that nodes of higher speed have higher priority than nodes of lower speed, and nodes of equal speed are prioritized so that nodes with more communication ports have a higher priority. The priority scheme further provides that connecting a non-used port of the node of the highest priority with a port of the node of next priority and repeating the connecting step until all of the nodes are connected together.

Referring to claim 2: Claim incorporates the parent claim's allowable subject matter.

Referring to claim 3: The prior arts on record do not explicitly disclose or teach a priority scheme for connecting nodes on a serial bus (e.g. 1394) tree hierarchy based on number of the communication ports and the transmission speed/capacity of each node. The priority scheme provides that nodes of higher speed have higher priority than nodes of lower speed, and nodes of equal speed are prioritized so that nodes with more communication ports have a higher priority. The priority scheme further provides that connecting a non-used port of the node of the highest priority with a port of the node of next priority and repeating the connecting step until all of the nodes are connected together. The priority scheme furthermore provides that if no port remains in the nodes of the lowest priority to connect with the node of the next priority during the repeating step, separating the last connected node to assign to the node of the foremost priority among nodes in a next higher speed group, then the nodes are connected through the communication ports according to priority order.

Referring to claims 4-5: Claims incorporate the parent claim's allowable subject matter.


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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin I. King whose telephone number is 571-272-3628. The examiner can normally be reached on Monday through Friday, 9:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on 571-272-3632. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Justin King
April 25, 2005



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100